

FBI Probes Its Own Appropriations

First of three articles

By Walter Pincus
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The Federal Bureau of Investigation holds a unique position among agencies in the federal government: its agents are in charge of investigating their own congressional appropriation.

For the past two years, the chief investigator for the House Appropriations Committee—which passes on the FBI budget—has been Paul J. Mohr, an agent on leave from the Bureau. He is the younger brother of the No. 3 man in the Bureau hierarchy, John P. Mohr, J. Edgar Hoover's assistant for administration.

Paul Mohr returned to the Bureau last month. He was replaced by another agent.

Three agents on leave serve full-time on the committee, one acting as chief investigator. Up to 25 other agents are used for specific inquiries, for which the committee reimbursed the FBI with \$511,000 in fiscal 1970.

This could be related to the FBI's remarkable record on Capitol Hill:

- No FBI budget request of recent years has been rejected by the committee.

- While the committee's FBI agents have made countless investigations of agency activities of other government operations coming to the committee for money, there is no record of any similar inquiry ever having been directed at the FBI itself.

In fact, Hoover, unlike

other Cabinet officers and agency heads, does not normally appear before any other committee—on the Senate side, for example—to discuss his budget.

The committee practice of using the FBI as staff investigators began 28 years ago under the late Clarence Cannon, and was continued by the present chairman, George Mahon, (D-Texas), when he took over in 1964.

Most congressional committees hire their own investigators when the need arises. Or they turn to the General Accounting Office, an organization created by Congress to provide professional oversight coverage of the Executive Branch. The

Senate Appropriations Committee, for example, has a single staff investigator who normally turns to the GAO for assistance when special projects are undertaken.

The FBI's unique quality in the budget process is not solely limited to its practice of staffing the key House committee.

Unlike almost any other head of department in government, FBI Director Hoover normally makes only one appearance each year to testify on his budget. It is at a closed session before the House Appropriations subcommittee headed by Rep. John J. Rooney (D-N.Y.).

See FBI, A3, Col. 1



J. EDGAR HOOVER
... in unique position

FBI, From A1

Since Rooney and the full House have always given Hoover all the funds he sought, the FBI Director has not felt it necessary to appear before the Senate Appropriations subcommittee that handles his budget. Sen. John McClellan (D-Ark.), chairman of the Senate group, has not pressed for a Hoover appearance since the director declined to make one the year McClellan took over the subcommittee.

Lone Exception

One exception to this practice took place last November when Hoover appeared in a closed session before a Senate Appropriations subcommittee in support of a supplemental bill that provided him funds for 1,000 new agents. It was in the prepared statement for this hearing that Hoover described the alleged Berigan brothers conspiracy.

Hoover makes extensive preparation for his budget appearance beginning weeks before the session, which usually runs two to three hours. Each assistant director files a summary of cases in his area that might be the subject of a congressional question or which provide the basis for some comment the director might want to

make.

The past published records show, however, that few questions are asked and most of them seek the director general's comment on some area of criminal or subversive activity.

Stems from Fear

Congress' failure to look into the Bureau, its budget, and activities stems primarily from political fear of crossing Hoover and from a respect for the manner in which the FBI director uses his position and the information he obtains.

Rooney recently called Hoover "the greatest administrator we have in any part of government." In the same NBC interview, he blandly told how Hoover had disclosed to him information on Martin Luther King that the FBI had obtained from wiretaps and other sources.

A former White House aide recently recalled that Hoover provided former President Johnson with a steady flow of information reports on personalities in the black power and other fields.

Hoover's political power has been well publicized within the bureau through what one former official called the "Most active grapevine in Washington." Thus, Paul Mohr's important position with the Appropriations Committee was well known to agents across the country and was noted as a sign of Hoover's untouchable status.

Another means by which Hoover keeps Congress in line is his annual congressional statement—a document studded with McNamara-like statistics and Laird-like descriptions of the bureau's many and growing domestic foes. In the past it stressed the Communist

Party, more recently the militant blacks and New Left, with each appearing to Hoover to be involved with Communist elements.

A close study of Hoover's testimony over the past 15 years, however, discloses a number of areas worth congressional questioning—from the approach of bureau investigative work, such as use of informants and wiretaps or the allocation of agent resources to Hoover's use of statistics—a practice in which he takes great pride.

For example, although the number of FBI agents has increased from 6,005 in fiscal 1957 to 8,482 in fiscal 1971, Congress has actually provided funds over the past 14 years for a total of 8,976 agents. Thus Hoover has received money enough to hire more than he actually has.

In February 1967 Hoover testified he had 6,532 agents, and, with the additional funds he sought, he would add another 106 agents. This, he told Congress, would give him a total of 6,638 agents in fiscal 1968. He got the money he wanted, but the next year, the director was back saying he had only 6,590 agents—and the subcommittee never asked why this was 48 fewer than he said he would have one year earlier.

Biggest Gap

Hoover's biggest agent gap took place between 1957, when he said he had 6,005 agents, and 1962, when he said he had 5,985. In the interim, he had sought and received funds from Congress to add no fewer than 287 agents.

When asked about the "missing" agents, FBI spokesman Thomas Bishop at first said the new agent funds were to fill slots vacated by retiring agents. He

later revised that to say it might refer to authorized rather than actual agents on duty. Finally he said he had no answer.

Apparently, however, the funds involved were used for other bureau expenses rather than for new agents. But by asking for money for new agents, Hoover was always assured he would get his request. Since the FBI budget is appropriated in one lump sum, there is nothing legally wrong in what Hoover has done—but

it does show he has developed a bureaucrat's manner for using figures to get what he wants.

Another version of the same game was played by Hoover with the number of agents employed at the Seat of Government (SOG), the bureau's term for Washington, D.C. In March 1961, the director reported there were to be 421 agents working at SOG in fiscal 1962. At the same time, he asked Congress for 50 new agents, "none for the Seat of Government," he promised. "We will endeavor to absorb this extra work (at the Seat of Government) with out present staff through streamlining and greater productive efficiency."

All Added to SOG.

Naturally, Hoover got the money for 50 new agents. But the next year when he came up to the Hill, his tables showed all 50 new agents were added to the SOG staff, putting it at 471. His statement, however, reflected no such increase because it would have been a confession that growing paperwork at headquarters had forced him to take agents from investigative field activities.

The same slight-of-numbers was done with fingerprint clerks and the workload of the identification division. In January 1962, when Hoover testified on the fiscal 1963 budget, he forecast some 5.7 million fingerprints would be checked, and although it would present an increase in number it could be handled "with our present staff." The next year, Hoover came back and asked for money to hire an additional 125 clerks for fingerprinting, which he then

estimated would be at 6 million for fiscal 1963—or some 300,000 over his year earlier figure.

Congress, faced with that suggested work increase, gave him the funds for the additional clerks. One year later, in January 1964, Hoover reported that actual fingerprint checks for fiscal 1963 had come to 5.7 million, "in line with the 5.7 million originally estimated to be received that year." Forgotten, apparently was the 6 million figure he had used the year before to justify his 125 new clerks. As a footnote it should be added his

At the March 5, 1970, House Appropriations Subcommittee hearing on the FBI budget.

Rep. Rooney: "This is the 25th year across the table for you and me, Mr. Director."

Director Hoover: "I didn't realize that, Mr. Chairman. Those years have gone all too fast."

Rep. Rooney: "They certainly have, I assure you. We are pleased indeed to have with us the great director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, accompanied by his associate director, Clyde Tolson, who also has been here through all these years. And John P. Mohr, who is more or less a latter-day saint with only 30 years in the Bureau..."

tables showed he hired 85 clerks, rather than the full number that he had been given money for.

Last year, Hoover threatened to halt processing non-federal fingerprints because their increase in numbers "was seriously impairing the FBI's ability to process criminal and federal applicant fingerprints."

A study of the figures supplied to Congress by Hoover shows that while it is true non-federal fingerprint checks had grown some 472,855 between 1967 and 1970, the fingerprint checks for the government—the FBI's main job—had actually dropped 246,637. Thus, if it had not been for the non-federal increase, Hoover could not have justified any clerk increase over the past four years, and, technically, should have cut the staff.

Instead, Congress was faced with protests against Hoover's threat on non-federal fingerprint processing from local law enforcement and government groups, ranging from bar associations to real estate license boards which have begun to use the FBI's free fingerprint service. In the end, Hoover was given an extra \$2.7 million to hire 400 new clerks for fingerprint file work.

That Hoover is a master at using figures to get money from Congress cannot be doubted. That Congress—or at least some members—will go out of their way to defend the director also cannot be challenged.

Rep. Rooney provides a good example. As chairman of the subcommittee controlling the State Department's budget as well as that of the FBI, Rooney follows almost every State Department dollar, particularly those going to a "luxury" such as high-priced official limousines.

With the bureau, however, the printed records for the

past 15 years fail to show one instance in which Rooney asked Hoover about the "armored" vehicle that has been purchased almost every year to serve as the director's car. According to Los Angeles Times reporter, Jack Nelson, the latest model Cadillac to be purchased and then armed by Hess & Eisenhardt in Cincinnati will cost nearly \$30,000. Hess, in a recent telephone interview refused to discuss the car. Nelson reported the 1970 model cost \$27,665 and the one a year earlier \$23,241.

When asked about Hoover's car in a recent interview, Rooney suggested the older cars, which are parked in New York, Miami and Los Angeles, "served the purpose of being used by Presidents of the United States . . . the President has not used any of these cars so he goes out and spends taxpayers' money which is unnecessary because he would use the cars and I know Mr. Hoover would make them available."

Rooney added that he believes Hoover got a new car "every five, six, or ten years."

With its subcommittee chairman taking that attitude and a bureau agent running the full committee's investigative staff, it is difficult to see any chance in the future for at least a serious House review of the FBI.

Next: The leadership and the system